APPENDIX I—Full Statute Today:

Art. 2315. Liability for acts causing damage: Survival of action.

Art. 2315. Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.

The right to recover damages to property caused by an offense or quasi offense is a property right which, on the death of the obligee, is inherited by his legal, instituted, or irregular heirs, subject to the community rights of the surviving spouse.

The right to recover all other damages caused by an offense or quasi offense, if the injured person dies, shall survive for a period of one year from the death of the deceased in favor of: (1) the surviving spouse and child or children of the deceased, or either such spouse or such child or children; (2) the surviving father and mother of the deceased, or either of them, if he left no spouse or child surviving; and (3) the surviving brothers and sisters of the deceased, or any of them, if he left no spouse, child, or parent surviving. The survivors in whose favor this right of action survives may also recover the damages which they sustained through the wrongful death of the deceased. A right to recover damages under the provisions of this paragraph is a property right which, on the death of the survivor in whose favor the right of action survived, is inherited by his legal, instituted, or irregular heirs, whether suit has been instituted thereon by the survivor or not.

As used in this article, the words "child", "brother", "sister", "father" and "mother" include a child, brother, sister, father, and mother, by adoption respectively. (As amended Acts 1960, No. 30, S. 1.)

APPENDIX II—2315 in 1902.

Art. 2315 was amended and re-enacted by Acts 1884, No. 71, so as to read as follows:

Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it; right of this action shall survive in case of death in favor of the minor children or widow of the deceased, or either of them, and in default of these, in favor of the surviving father and mother, or either of them, *for the space of one year from the death.* The survivors above mentioned may also recover the damages sustained by them by the death of the parent or child, or husband or wife, as the case may be. (Emphasis by appellees.)

APPENDIX III—2315 in 1931.

Art. 2315 was amended and re-enacted by Acts 1908, No. 120 to read as follows: (Art. 2315, was amended by Act 1918, No. 159 to read the same as the 1908 re-enactment, except that the words "widow" and "surviving widow" were made to read "surviving spouse".)

Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it; the right of this action shall survive in case

of death in favor of the children or widow (surviving spouse) of the deceased or either of them, and in default of these in favor of the surviving father and mother or either of them, and in default of any of the above persons, then in favor of the surviving brothers and sisters or either of them, for the space of one year from the death; provided, that should the deceased leave a widow (surviving spouse) together with minor children, the right of action shall accrue to both the widow and minor children; provided further, that the right of action shall accrue to the major children only in those cases where there [is] no surviving widow (surviving spouse) or minor child or children.

The survivors above mentioned may also recover the damages sustained by them by the death of the parent or child or husband or wife or brothers or sisters as the [case] may be.

NOTE: The words "surviving spouse" in parenthesis (surviving spouse) as shown in the above Appendix III, Article 2315, is inserted in the article as amended by Acts 1908 to show the amendment by Acts 1918.

APPENDIX IV—2315 in 1938.

Art. 2315 was amended and re-enacted by Acts 1952, No. 150, Section 1, to read as follows:

Every Act whatever of man that causes damage to another, obliges him by whose fault it happened to repair it; the right of this action shall survive in case of death in favor of the children, including

adopted children, or spouse of the deceased, or either of them, and in default of these in favor of the surviving father and mother or either of them, and in default of any of the above persons, then in favor of the surviving brothers and sisters, or either of them, for the space of one year from the death; provided that should the deceased leave a surviving spouse, together with minor children, the right of action shall accrue to both the surviving spouse and minor children: provided further, that the right of action shall accrue to the major children only in those cases where their (there) is no surviving spouse or minor child or children.

If the above right of action exists in favor of an adopted person, such right of action shall survive in case of death in favor of the children or spouse of the deceased, or either of them, and in default of these in favor of the surviving adoptive parents, or either of them, and in default of any of the above persons, then in favor of the surviving children of the adoptive parents, or either of them, and in default of these in favor of the surviving father and mother of the adopted person, or either of them, and in default of these, then in favor of the surviving brothers and sisters of the adopted person, or either of them, for the space of one year from the death.

The survivors above mentioned may also recover the damages sustained by them by the death of the parent or child or husband or wife or brothers or sisters or adoptive parent, or parents, or adopted person, as the case may be.